

FEB 23 2010

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

Nos. 09-90028, 09-90029 and
09-90030

ORDER

KOZINSKI, Chief Judge:

A misconduct complaint has been filed against two circuit judges and a district judge sitting by designation who were assigned to hear complainant's appeal. Complainant, who was represented, alleges that the subject judges improperly affirmed the district court's dismissal of his civil action. This charge relates directly to the merits of the judges' ruling and must therefore be dismissed. See 28 U.S.C. § 352(b)(1)(A)(ii); Judicial-Conduct Rule 11(c)(1)(B); In re Charge of Judicial Misconduct, 685 F.2d 1226, 1227 (9th Cir. Jud. Council 1982).

DISMISSED.